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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,013	11/21/2001	James E. Johanson	8945-25 (149194)	2419
35811	7590	09/27/2006	EXAMINER	
IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP			LE, TAN	
1650 MARKET ST			ART UNIT	
SUITE 4900			PAPER NUMBER	
PHILADELPHIA, PA 19103			3632	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,013

Applicant(s)

JOHANSON ET AL.

Examiner

Tan Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-30, 32, 33, 36-38 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-30, 32, 33, 36-38, 45-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application contains claims numbered 25-30, 32-33, 36-38 and 45-52. Claims 1-24, 31, 34-35 and 39-44 have been canceled. Claims 45-52 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 25-30, 32, 45-47 and 49-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Claim 25 and 49 call for "a hole defined in a bottom wall of each socket, the hole being disposed below each of the ribs within the socket, the hole being dimensioned and configured to provide separation between a bottom edge of each rib and the bottom of the socket" but fails to describe or support in the original disclosure.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 25- 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,566,624 to Brown et al.

As to claim 25, Brown et al. teaches a base comprising: a frame (20) having one or more side edges, each side edge adapted to extend along a side of an article; one or more sockets (24, 26, 28, 30) having internal sidewall defining open ended wells in the frame that form receptacles capable of receiving feet of the article; a plurality of flexible ribs (41) (made of thermal plastic) (note that the term "flexible " is a relative term, since virtually anything will be bent or flexed if enough pressure is applied to it. See the term "flexible" in Fredman v. Harris-Hub Co., Inc. 163 USPQ 397 (DC 1969) extending along an internal sidewall of the sockets and projecting inwardly into wells of the socket; the ribs adapted to deform in response to the engagement with a foot of the article upon insertion into the socket, wherein the one or more sockets define open ended wells (42) in the frame for receipt and engagement of the feet of the article; and a hole (44) define din the bottom wall of each socket, the hole being disposed below each of the ribs within the socket

As to claim 26, wherein the frame has four sides, each side can be adapted to extend along one the four sides of the article with relatively outer peripheral edge portions of the base positioned adjacent bottom surfaces of the-article.

As to claim 27, wherein an outer peripheral edge portion of each of the sides of the frame is recessed (71) relative to inner portions of the base along the corresponding side, creating a gap between the base and adjacent portions of the article along each side thereof.

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As to claim 28, wherein the ribs (41) in the one or more sockets are vertically positioned and project radially inward from sidewalls

Regarding claim 29, wherein the ribs are substantially beveled at their upper edges adjacent an open end of the wells.

Regarding claim 30, wherein the ribs are positioned axially within the wells of the socket.

Regarding claim 32, wherein a relatively outer peripheral edge portion of at least one side of the frame is recessed (71) relative to inner portions of the frame along the at least one side, the recess of an outer edge along the at least one side creating a gap between the base and adjacent portions of the article.

Claims 33, 36-38 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by the admission of Prior Art described on Figures 10-11 of the drawings.

Regarding claims 33, Figures 10-11 show all the subject matter as claimed in claims 25-32, which include a frame having one or more side edges and a central opening (no numeral), the side edges having a top surface disposed below a top surface of an inner portion (the portion that has an arcuate-shape connecting between the inner portion and outer portion) of the base; the base having at least one or more sockets ((14) having internal sidewall defining open ended wells in the frame that form receptacles capable of receiving feet of the article; and a plurality of flexible ribs (16) extending along an internal sidewall of the sockets and projecting inwardly into wells of

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the socket; the ribs adapted to deform in response to the engagement with a foot of the article upon insertion into the socket,

Regarding claims 36-38, wherein the ribs are positioned axially within the well of the socket and the ribs are beveled (18) adjacent the upper edge of the socket; and wherein bottom edges of the ribs are appeared separated from a bottom wall of the socket.

As to claim 48, the features recited in claim 48 also reads on Figures 10-11 of the admission of prior art, wherein the side edges extend sufficiently far and outward from the inner portion of the frame so that side panels of an appliance disposed on the base will be disposed substantially over the side edges.

Allowable Subject Matter

4. Claims 45-47, and 49-52 are rejected under 112, 1 st paragraph but would favorably considered if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 6/26/06 have been fully considered but they are not persuasive.

Applicant's arguments with respect Brown et al.'s 624 as presented on pages 7-8 have been considered but they are not deemed persuasive. The examiner respectfully

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submits that although the claims have been further amended however, the claims especially claims 25-30 and 32 still read on and fully met by Brown et al. as pointed out in the office action.

Amendment of claims 33 with newly added claims 48-52 necessitated by a new ground of rejection. According this action is made FINAL

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
September 15, 2006



ANITA KING
PRIMARY EXAMINER